



The Medical Bulletin

The Official Newsletter of

Dr. Watson's Neglected Patients
a Scion Society of **The Baker Street Irregulars**

Summer 2012

Upcoming Events:

BBC Sherlock Series 2 Marathon

Join us on Saturday June 23rd! Whether you have seen Series 2 of BBC's Sherlock or not, join fellow Neglected Patients to view one, to or all three episodes projected in a home theater with surround sound from the BBC Bluray disc. Free screening! Free Food (Pizza, veggies, dips, chips, popcorn, tea and soda) courtesy of BBC! Door prizes: We will have drawings for full-size movie poster for the BBC Sherlock Series 2 and other prizes.

Scandal in Belgravia – approx. 4 pm
Hounds of Baskerville – approx. 6 pm
The Reichenbach Fall – approx. 8 pm

The screening will take place at: 6529 Lakeside Circle, Littleton, CO (Neighborhood is south of the intersection of Santa Fe Drive and Highlands Ranch Blvd). Contact Darlene Cypser at scribe@foolscap-quill.com or 303-587-9792 with questions.

July Outpatients' Meeting

The July meeting of the **Outpatients** discussion group will be Sunday, July 8th at 12:30 pm at **Pints Pub**, 221 W. 13th Avenue, Denver. There will be a discussion of the *Adventure of the Speckled Band* followed by a quiz. Attendees pay for their own lunch. Please contact Larry Feldman at larry7639@aol.com or 303-333-3859 if you plan to attend.

Sherlock Holmes Week

We are considering participating in the international Sherlock Holmes Week July 30th - August 5th but have not yet decided how. We will let you know.

Mystery Table Top Gaming

Join us for an afternoon of mystery games, Sunday, August 19th at pm at **Pints Pub**, 221 W. 13th Avenue, Denver. Games will include: 221B Baker St, Master Detective; 221B Baker St, Time Machine; Kill Dr. Lucky; Clue and Whist. Please contact Elisha Lucas at dr.elishalucas@gmail.com if you plan to attend or have any questions.

Chief Surgeon's Case Notes

By Darlene Cypser

The Spring Tea was a huge success despite the sound issues with the travelogue. The tea and goodies as delicious as ever. I was thrilled to see so many Neglected Patients in costume! We were also join by some members of the Days Gone By social club who arrived in costume. I hope we can do other events with them in the future. I am still a bit behind on getting the photographs up on the website. There are quite a few on our Facebook page: www.facebook.com/DrWatsonsNP

The PBS Sherlock Scavenger Hunt drew fewer contestants than we anticipated and a lot more prize donations than we needed! We had fun despite the lower numbers. We will be auctioning off the excess prizes at some later date.

We were contacted in mid-May by a PR firm on behalf of BBC and offered free Bluray and DVD copies of the BBC Sherlock series 2, a poster and funds for food for a DVD or Bluray screening party which we are holding in June.



The Curious Incident of the Dog in the Courtroom

“Is there any point to which you would wish to draw my attention?”

“To the curious incident of the dog in the night-time.”

“The dog did nothing in the night-time.”

“That was the curious incident,” remarked Sherlock Holmes.

Sherlock Holmes is no stranger to the courtroom. His name is invoked in numerous judicial opinions. For example, one jurist wrote: “This is not a profound scheme. It would not take Sherlock Holmes to figure it out.” (**People v. Weltzman**, No. B151252 California Court of Appeals,) and another wrote: “We need not summon the deductive powers of Sherlock Holmes.” (**Nebesho v. Brown**, No. 2098 Superior Court of Pennsylvania). One case refers to a K-9 narcotics unit dog in Akron, Ohio named after the Master (**State v. Logan**, Ohio Court of Appeals, C.A. NO. 19726). Another court ruling states: “The cult of Sherlock Holmes is well known.” (**American Amusement Machine Association v. Kendrick**, U.S. Court of Appeals 7th Circuit, No. 00-3643). (*Did you know we were a cult?*)

But the most common Sherlockian reference in U.S. case law is to “the dog in the night time” from *Silver Blaze*.

Students of the Master are probably familiar with the frequency with which the exchange between Sherlock Holmes and Inspector Gregory quoted above is invoked, quoted, or more often, misquoted, in the popular press. But they may not be aware that the dog famous for his silence has acquired doctrinal status at the U.S. Supreme Court on the subject of legislative inaction.

It began with a dueling references in **Harrison v. PPG Industries, Inc.**, 446 U.S. 578, 602 (1980) by Justice Stewart writing the majority opinion: “Secondly, it would be a strange canon of statutory construction that would require Congress to state in committee reports or elsewhere in its deliberations

that which is obvious on the face of a statute. In ascertaining the meaning of a statute, a court cannot, in the manner of Sherlock Holmes, pursue the theory of the dog that did not bark.” and Justice Rehnquist writing in a dissent: “In a case where the construction of legislative language such as this makes so sweeping and so relatively unorthodox a change as that made here, I think judges as well as detectives may take into consideration the fact that a watchdog did not bark in the night.”

However, Justice Stevens elevated the reference in the dissent to the basis for the majority opinion in **Chisom v. Roemer**, 501 U.S. 380 (1991). Justice Stevens wrote: “We reject that construction because we are convinced that, if Congress had such an intent, Congress would have made it explicit in the statute, or at least some of the Members would have identified or mentioned it at some point in the unusually extensive legislative history of the 1982 amendment” with the following footnote: “Congress’ silence in this regard can be likened to the dog that did not bark. See A. Doyle, *Silver Blaze*, in **The Complete Sherlock Holmes** 335 (1927). Cf. **Harrison v. PPG Industries, Inc.**, 446 U.S. 578, 602 (1980) (Rehnquist, J., dissenting).”

From **Chisom** there flows a line of both federal and state court cases referring to “the dog that did not bark” doctrine of determining legislative intent in statutory construction. The most recent U. S. Supreme Court case in this line is **City Of Rancho Palos Verdes V. Abrams** (No. 03-1601, March 22, 2005) in which Justice Scalia writes: “The Court has endorsed the view that Congress’ silence on questions such as this one ‘can be likened to the dog that did not bark.’ **Chisom v. Roemer**, 501 U.S. 380, 396, n.23 (1991) (citing A. Doyle, *Silver Blaze*, in **The Complete Sherlock Holmes** 335 (1927)).”

Thus the curious incident of the dog in the courtroom is how its silence was elevated from dicta to “dog-ma.”

-- Darlene Cypser



The Consulting Detective
Trilogy
Part I: University



Darlene A. Cypser

The Consulting Detective
Trilogy Part I: University

by Darlene A. Cypser

The Consulting Detective Trilogy follows Sherlock Holmes after the end of *The Crack in the Lens*. *Part I* covering Sherlock Holmes' years at the university is now available in paperback and Kindle and Nook formats. Coming soon to the Apple iBookstore.

www.TheConsultingDetective.com

The Medical Bulletin is the official newsletter of **Dr. Watson's Neglected Patients**, a scion society of **The Baker Street Irregulars**, dedicated to keeping green the memory of Sherlock Holmes.

On the web: <http://www.dwnp.com> Facebook: <http://www.facebook.com/DrWatsonsNP>

Editor: Darlene Cypser, scribe@foolscap-quill.com -- 6529 Lakeside Circle, Littleton, CO 80125

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